

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW  
ETHICS ADJUDICATORY BOARD**

**BOARD OF ETHICS**

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\* **DOCKET NO. 2020-8778-ETHICS-B**

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**IN THE MATTER OF**

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**GLENN LAZARD**

\* **AGENCY TRACKING NO. 5120-075**

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**DECISION AND ORDER**

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Glenn Lazard failed to file his 40-G campaign finance disclosure report by the eleventh day after it was due in connection with his 2019 candidacy for the office of City Council Member, District 5, City of Lafayette. The Board of Ethics proved by clear and convincing evidence that Glenn Lazard failed to timely file the report as alleged. Pursuant to La. R.S. 18:1505.4(A)(4)(b), the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000.00 against Glenn Lazard for his failure to timely file his 40-G campaign finance disclosure report.

**APPEARANCES**

An adjudicatory hearing was conducted on July 29, 2021, at the Division of Administrative Law in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).<sup>1</sup> Charles Reeves appeared as counsel on behalf of the Board of Ethics (BOE). Although duly noticed, Glenn Lazard (Respondent) did not appear for the hearing.<sup>2</sup>

This matter was previously set for an in-person hearing on April 1, 2021. Counsel for the BOE appeared for the hearing. Respondent did not appear, although notice was sent to his last

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<sup>1</sup> Panel B of the EAB consists of Administrative Law Judges Gregory McDonald (presiding), Anthony Russo, and Esther Redmann.

<sup>2</sup> On May 14, 2021, an amended notice of hearing was mailed by the Administrative Hearings Clerk for the Division of Administrative Law to Glenn Lazard at: 109 Begnaud Drive, Lafayette, Louisiana, 70501-3105.

known address on January 21, 2021. This tribunal issued an Order continuing the hearing without date in order for counsel for the BOE to ascertain, among other things, Respondent's medical condition and his ability to perform his duties as a member of the Lafayette City Council, including his attendance at council meetings. This matter was reset for hearing upon the EAB's determination that Respondent was able to attend the hearing on the merits.

### **STATEMENT OF THE CASE**

The BOE, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, alleged that Respondent failed to file his 40-G campaign finance disclosure report, as required by La. R.S. 18:1495.4(B)(6), in connection with his October 12, 2019, candidacy for the office of City Council Member, District 5, City of Lafayette, by the December 27, 2019, deadline, or by the eleventh day after the report was due.

The BOE requested a hearing to have the EAB determine whether Respondent failed to file his 40-G campaign finance disclosure report by the eleventh day after it was due, which could subject him to an additional civil penalty not to exceed \$10,000.00, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-16, which were admitted into evidence.<sup>3</sup> Counsel presented the case on behalf of the BOE, the record was closed, and the matter was taken under advisement for a determination of whether Respondent violated La. R.S. 18:1495.4(D)(3)(a) and would therefore be subject to an additional civil penalty pursuant to La. R.S. 18:1505.4(A)(4)(b).

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*,

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<sup>3</sup> BOE-15 included records documenting Respondent's appearance and participation at Lafayette City Council meetings during the time period from January 5, 2021, to July 20, 2021.

the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

### **FINDINGS OF FACT**

Respondent was a successful candidate for the office of City Council Member, District 5, City of Lafayette, in a primary election held October 12, 2019, and a general election held November 16, 2019.<sup>4</sup> The office of City Council Member, District 5, City of Lafayette, is an “any other” level public office.<sup>5</sup> Respondent was one of two candidates to receive the most votes in the primary election.<sup>6</sup> A runoff of the top two candidates was held in the general election and Respondent was elected with the most votes.<sup>7</sup>

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.<sup>8</sup> Election candidates, when qualifying at their respective clerks of court, are provided with BOE’s Schedule of Reporting and Filing Dates for Candidates (Schedule).<sup>9</sup> Upon qualifying to run for office, Respondent also acknowledged that he was subject to the provisions of the CFDA.<sup>10</sup>

Respondent was required to file a campaign finance disclosure report no later than the fortieth day after the general election (also known as the 40-G report), due on December 27, 2019. Respondent was required to file the 40-G report as an “any other” level candidate due to his receiving a single campaign contribution in excess of two hundred dollars. In his 10-P report,

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<sup>4</sup> See BOE-2, pp. 2-3; BOE-16. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he was a candidate for the office of City Council Member, District 5, City of Lafayette. BOE-10, page 3.

<sup>5</sup> La. R.S. 18:1483(7) defines a “district office” and La. R.S. 18:1483(11) defines a “major office.” La. R.S. 18:1484(2) defines a candidate for “any other” public office as a candidate for a public office, other than a candidate for a district office or a major office, who makes expenditures in excess of two thousand five hundred dollars or receives a contribution in excess of two hundred dollars in the aggregate during the aggregating period. For the purposes of this provision, a contribution by a candidate for his own campaign for a public office other than a major office or district office shall not be considered in determining whether a candidate has received a contribution in excess of two hundred dollars in the aggregate. La. R.S. 18:1484(2)(b).

<sup>6</sup> BOE-3, p. 5.

<sup>7</sup> BOE-3, p. 8.

<sup>8</sup> La. R.S. 18:1483(19).

<sup>9</sup> See BOE-2 and BOE-5.

<sup>10</sup> BOE-2, p. 3. The Campaign Finance Disclosure Act, La. R.S. 18:1481, *et seq.*, also provides the same schedule of reports due. See La. R.S. 18:1495.4(B)(3) - (5).

Respondent disclosed a single campaign contribution in the amount of \$1,000.00 from Glenn Armentor, LTD on September 21, 2019.<sup>11</sup> Respondent did not file the required 40-G report by the due date, December 27, 2019, or by the eleventh day after the report was due.<sup>12</sup>

On October 2, 2020, the BOE issued a *Late Fee Assessment Order* to Respondent because he had not filed his 40-G campaign finance disclosure report.<sup>13</sup> The *Late Fee Assessment Order* (a) assessed a late fee of \$1,000.00 and (b) ordered Respondent to file his 40-G campaign finance disclosure report within 20 days of his receipt of the Order.<sup>14</sup> The *Late Fee Assessment Order* was sent by certified mail, return receipt requested, to Respondent at his address at 109 Begnaud Drive, Lafayette, Louisiana, 70501-3105.<sup>15</sup> Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that he could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if he failed to file his 40-G campaign finance disclosure report.<sup>16</sup>

On November 2, 2020, the BOE mailed a copy of the *Request for Hearing* to Respondent, with written discovery, including *Requests for Admissions*, propounded to Respondent, by certified mail, return receipt requested, to Respondent's address at 109 Begnaud Drive, Lafayette, Louisiana, 70501-3105, and the return receipt was signed and returned.<sup>17</sup> Respondent was notified in the letters accompanying the copy of the *Request for Hearing* and the attached discovery requests propounded to Respondent that he could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if he failed to file his 40-G campaign

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<sup>11</sup> BOE-6, p. 4.

<sup>12</sup> BOE-16. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 40-G campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of City Council Member, District 5, City of Lafayette. BOE-10.

<sup>13</sup> BOE-8.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> See BOE-7 and BOE-10.

finance disclosure report.

On January 29, 2021, the BOE requested Respondent participate in a Rule 10.1 Discovery Conference because Respondent did not respond to the BOE's discovery requests; the request was sent by certified mail, return receipt requested, to Respondent's address at 109 Begnaud Drive, Lafayette, Louisiana, 70501-3105, and the return receipt was signed and returned.<sup>18</sup>

As of July 28, 2021, Respondent had not filed his 40-G campaign finance disclosure report and had not filed responses to the *Requests for Admissions*.<sup>19</sup>

### CONCLUSIONS OF LAW

The BOE proved by clear and convincing evidence that Respondent knowingly failed to file a 40-G campaign finance disclosure report by December 27, 2019, or by the eleventh day after it was due. The BOE is authorized to impose upon Respondent an additional civil penalty not to exceed \$10,000.00, as allowed by La. R.S. 18:1505.4(A)(4)(b).<sup>20</sup>

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to file a required campaign finance disclosure report.<sup>21</sup> Failure to timely submit required reports constitutes a violation of the CFDA.<sup>22</sup>

The office of City Council Member, District 5, City of Lafayette, is an "any other" level office.<sup>23</sup> The BOE proved by clear and convincing evidence that Respondent failed to file his 40-G campaign finance disclosure report as a candidate for that office, which was due by the fortieth

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<sup>18</sup> BOE-11.

<sup>19</sup> BOE-16. Respondent admitted, by operation of La. C.C.P. art. 1467(A) that he did not file his 40-G campaign finance disclosure report. See BOE-10 and BOE-11.

<sup>20</sup> La. R.S. 18:1505.4(A)(4)(b) of CFDA provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required 40-G campaign finance disclosure report, or filed the 40-G report more than eleven days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

<sup>21</sup> See La. R.S. 42:1141.5(C). "'Clear and convincing evidence', in general, means that the fact of guilt must be proven to a greater degree than by 'a mere preponderance of the evidence' but less than by 'beyond a reasonable doubt.'"  
*Louisiana State Bar Ass'n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

<sup>22</sup> La. R.S. 18:1505.1(B).

<sup>23</sup> La. R.S. 18:1483(7), (11), and (16); La. R.S. 18:1484(2).

day after the November 16, 2019, general election. Every candidate for “any other” public office (or his campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election, when the candidate makes expenditures in excess of two thousand five hundred dollars or receives a contribution in excess of two hundred dollars in the aggregate during the aggregating period. For the purposes of this provision, a contribution by a candidate for his own campaign for a public office other than a major office or district office shall not be considered in determining whether a candidate has received a contribution in excess of two hundred dollars in the aggregate.<sup>24</sup> The Respondent’s 10-P report disclosed a third-party contribution of \$1,000.00 for the period from September 3, 2019, through September 28, 2019, which is a contribution in excess of \$200.00;<sup>25</sup> therefore, Respondent was required to file a 40-G campaign finance disclosure report by the fortieth day after the general election, due on December 27, 2019.<sup>26</sup>

Any candidate for “any other” office who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$40 per day, not to exceed \$1,000.00.<sup>27</sup> “Knowingly” means conduct which could have been avoided through the exercise of due diligence.<sup>28</sup>

Respondent knew he was required to file certain campaign financial disclosure reports when he acknowledged he was subject to the CFDA upon qualification for candidacy. Respondent was provided with a Schedule of Reporting and Filing Dates for Candidates, which informed him that the 40-G report was due December 27, 2019. Respondent even timely filed his required 10-P

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<sup>24</sup> La. R.S. 18:1484(2)(b).

<sup>25</sup> BOE-7, p. 9.

<sup>26</sup> La. R.S. 18:1484(2) requires a candidate for any public office (other than a district or major office) that spends more than \$2,500.00 or receives a third-party contribution in excess of \$200.00, to file certain campaign finance disclosure reports, including the 40-G report.

<sup>27</sup> La. R.S. 18:1505.4(A)(2)(a)(iii).

<sup>28</sup> La. R.S. 18:1505.5(A).

report. On October 2, 2020, the BOE assessed a civil penalty of the maximum amount of \$1,000.00, as Respondent had failed to file his 40-G report by the due date, December 27, 2019. This assessment is not before the EAB. In the letter accompanying the *Late Fee Assessment Order*, the BOE notified Respondent that he could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), for failing to file his 40-G report. The 40-G report had not been filed as of July 28, 2021. Therefore, the Respondent's 40-G report is more than eleven days late.

By knowingly failing to file the required 40-G report, Respondent violated the CFDA, and the BOE may assess an additional civil penalty against him not to exceed \$10,000.00 for the late report.<sup>29</sup>

The BOE proved by clear and convincing evidence that Respondent, a candidate for "any other" level office, failed to file his 40-G campaign finance disclosure report by December 27, 2019. As of July 28, 2021, he had not filed his 40-G report. Respondent is more than eleven days late in filing his 40-G campaign finance disclosure report. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose against Respondent an additional civil penalty under authority of La. R.S. 18:1505.4(A)(4)(b), not to exceed \$10,000.00 for the late report.

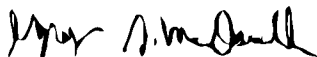
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<sup>29</sup> La. R.S. 18:1505.4(A)(4)(b).

## ORDER

**IT IS ORDERED** that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000.00, against Glenn Lazard for his failure to file his 40-G campaign finance disclosure report for calendar year 2019 by the eleventh day after the report was due.

Rendered and signed on September 8, 2021, in Baton Rouge, Louisiana.



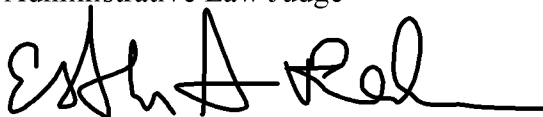
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Gregory McDonald  
Presiding Administrative Law Judge



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Anthony J Russo  
Administrative Law Judge



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Esther A. Redmann  
Administrative Law Judge

### NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, September 09, 2021, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



## **REVIEW RIGHTS**

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959, Louisiana Code of Civil Procedure article 5059. The suspension of legal deadlines set forth in the Governor's Proclamation Number 170 JBE 2021 may impact the time limitations on your right to seek a rehearing or reconsideration of this decision or order. To determine your review rights, you should act promptly.

**To request a rehearing or reconsideration, please send it to one of the addresses listed below:**

**EMAIL documents to:**  
**EABprocessing@adminlaw.la.gov**

**FAX documents to:**  
**EAB Section Deputy Clerk**  
**(225) 219-9820**

**MAIL documents to:**  
**DAL – EAB Section**  
**ATTN: EAB Section Deputy Clerk**  
**P. O. Box 44033**  
**Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. The suspension of legal deadlines set forth in the Governor's Proclamation Number 170 JBE 2021 and an August 31, 2021, Order issued by the Louisiana Supreme Court Order regarding Hurricane Ida may impact the time limitations on your right to seek judicial review of this decision or order. To determine your review rights, you should act promptly.